

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

COMPLAINT

Brown Jr. K7688 D-101
 (Last Name) (Identification Number)
Kelly Paul
 (First Name) (Middle Name)
Wilkinson cant correctional Facility D-101
 (Institution)
2999 US Hwy 61 N. Wadville ms 39669
 (Address)
 (Enter above the full name of the plaintiff, prisoner and address
 of plaintiff in this action)



V.
Warden
Jody Bradley correctional walker
contract monitor
Larry Lee major Daniels
Warden Toomey - LT Turner CID

CIVIL ACTION NUMBER:

5:18cv41-DCB-MTP
 (to be completed by the Court)

Karen Brown, ~~Warden~~, case manager Arrington case manager Toliver
 (Enter the full name of the defendant(s) in this action)

GENERAL INFORMATION

- A. At the time of the incident complained of in this complaint, were you incarcerated?
 Yes (☒) No (☐)
- B. Are you presently incarcerated?
 Yes (☒) No (☐)
- C. At the time of the incident complained of in this complaint, were you incarcerated because you had been convicted of a crime?
 Yes (☒) No (☐)
- D. Are you presently incarcerated for a parole or probation violation?
 Yes (☐) No (☒)
- E. At the time of the incident complained of in this complaint, were you an inmate of the Mississippi Department of Corrections (MDOC)?
 Yes (☒) No (☐)
- F. Are you currently an inmate of the Mississippi Department of Corrections (MDOC)?
 Yes (☒) No (☐)

PARTIES

(In item I below, place your name and prisoner number in the first blank and place your present address in the second blank.)

I. Name of plaintiff: Kelly P Brown JR Prisoner Number: K7688

Address: W.C.C.F. D-101 2999 US Hwy 61 north Woodville ms
39669

(In item II below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use the space below item II for the names, positions and places of employment of any additional defendants.)

II. Defendant: Lody Bradle is employed as Warden
at W.C.C.F. Wilkerson county correctional facility

The plaintiff is responsible for providing his/her address and in the event of a change of address, the new address of plaintiff as well as the name(s) and address(es) of each defendant(s). Therefore, the plaintiff is required to complete the portion below:

PLAINTIFF:

NAME: Kelly P Brown JRth K7688 ADDRESS: W.C.C.F. D-101 2999 US Hwy 61 north Woodville ms 39669

DEFENDANT(S):

NAME:	ADDRESS:
<u>Cacberial Walker, major T Daniels</u>	<u>W.C.C.F. 2999 US Hwy 61 north Woodville ms</u>
<u>Larry Lee, LT Turner CID</u>	<u>39669</u>
<u>Warden Towner, Case manager Area 101</u>	
<u>Karen Brown Case manager Tolliver</u>	

IIIDefendants

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- ✓ Defendants, Jody Bradley is Employed As the Warden At WCCF Wilkerson County ms.
- ✓ ~~Employee~~ MDOC contract monitor.
- ✓ Warden Toomey is Employed as the Warden of programs At W.C.C.F Wilkerson County ms
- ✓ Warden ^{General} Walker is Employed as the Warden of Security at W.C.C.F Wilkerson County ms.
- ✓ Unit manager K-Brown is Employed As the Unit manager over C.D.E. at W.C.C.F Wilkerson County ms.
- ✓ ~~LT Walker is employed as CID Investigator at WCCF~~
Terry Daniels major at W.C.C.F Wilkerson County ms.
- ✓ Case manager Arrington is Employed at WCCF Wilkerson County ms.
- ✓ Turner CID is employed by MDOC

Each Defendant is being sued in His and Her Individual and official capacities. At all time mentioned Heren this Complaint Acted under color of law.

IVStatement of facts

17 The Plaintiff Brown is a B-Custody Inmate classified to P.C. Protective custody status for the Benefit of his Physical and mental well Being.

27 Brown alleges Prison officials Deliberate Indifference to his Physical safety and life that constitutes cruel and unusual punishment to His Eighth Consitution Amendment right (2)

OTHER LAWSUITS FILED BY PLAINTIFF

NOTICE AND WARNING

The plaintiff must fully complete the following questions. Failure to do so may result in your case being dismissed.

- A. Have you ever filed any lawsuits in a court of the United States? Yes (☒) No (☐)
- B. If your answer to A is yes, complete the following information for each and every civil action and appeal filed by you. (If there is more than one action, complete the following information for the additional actions on the reverse of this page or additional sheets of paper.)

CASE NUMBER 1.

1. Parties to the action: MTC. et AL Jenkins, Daniel Brannan
Benton Sistrunk Rembert
2. Court (if federal court, name the district; if state court, name the county): southern District of Miss.
3. Docket Number: B.18-CV 701 TSL RHL
4. Name of judge to whom case was assigned: Tom S. Lee Robert Walker
5. Disposition (for example: was the case dismissed? If so, what grounds? Was it appealed? Is it still pending?) Dismissed b/c I ~~didn't know~~
didn't know how to answer a paper the defendants sent

CASE NUMBER 2.

1. Parties to the action: _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket Number: _____
4. Name of judge to whom case was assigned: _____
5. Disposition (for example: was the case dismissed? If so, what grounds? Was it appealed? Is it still pending?) _____

STATEMENT OF FACTS cont.

- 3] When He was housed on P.C. Protective Custody Back in August 2017 He was assaulted and threaten by Inmates He was was denied red tags for over a month. His assault happen on pelco camera.
- 4] He red tagged the two offenders but was kept on the same zone with them He wrote and reported this to all the proper authorities seeking help.
- 5] Nov 2nd 2017 He red tagged another offender for extortion and assault. This offender is only three cells down from him. This offender stabbed another offender after getting staff to open zone door. The offender he stabbed is on a whole other zone. Keep Seperates are not being honored.
- 6] Nov 27 2017 CO Gooden lets my red tags out with me at 1:40 P.m again on Dec 15th by SG+ King Red tags were let out again on Jan 27th 2018.
- 7] on Jan 24th 2018 Our unit manager Mrs K. Brown and one of the inmates I have red tagged gets into a pushing argument in front of my cell while discussing red tags nothing is done to him.
- 8] On Feb 7th 2018 my canteen was taken by 3 inmates on camera I requested to red tag the offenders and my red tags was not honored.
- 9] Case manager ^{Toliver} picked up ⁽⁵⁾ red tags and said she turned them in to K-Brown unit manager these offenders are still on zone with me same tier. I wrote all the stuff I know to report it to. none of red tags were investigated or honored 3 of the inmates extorted and Robbed Brown on 2-7-18 6:00 am to 6:30 am It was reported to CO's L.T's. one CO watched it happen.
- (3)

- 10] Brown Alleges Staff ignores Red tags, They dont proper Investigate or house offenders. There are two P.C. Zones. He has no red tags on the other zone. He is being made to stay on Echo pod to be Extorted, assaulted and harmed.
- 11] Brown Processed An A.R.P, Administrative Remedy Program for his Red tags to be honored and nothings been done nor has his red tags been honored or looked into all his claims are on camera or documented
- 12] The mDOC protection from harm policy Dictates no Inmates are to be Wrongfully Subjected to abuses, harrasment, corporal punishment humiliation at the hands of prison Employees and other Inmates.
- 13] Brown contacted CID- by mail because the staff refuses to help and accomodate any protective measures to rehouse him or his redtagged offenders.
- 14] Brown alleges that staff and CID failed to Accomodate reasonable Alternate Protective measures. His Red tags and the ones he wishes to red tag are still on the same zone as him.
- 15] Brown alleges he is being punished for needing strict protection for his extensive wait to transfere to another facility and or zone. for he is in fear for his life on Echo pod from Inmates and Staff.

Conclusion

For the foregoing reasons the defendants are reckless and Disregards to the Value of human life for failure to protect.

Date _____

(4)

Respectfully Submitted

Kelly Paul Brown Jr

Kelly Brown # K7688
2999 AS Hwy 61 North
Woodville MS 39469

- III. State here as briefly as possible the facts of your case. Describe how each defendant is involved. Also, include the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of different claims, number and set forth each claim in a separate paragraph. (Use as much space as you need; attach extra sheet(s) if necessary).

Warden Bradley has failed to honor red tags, and keep me separate from those I have red tagged. Nor has he told his staff to do their jobs. I have documented several occasions where I was let out with red tagged offenders and feed by them.
Unit manager Karen Brown, failed to relocate me or my red tagged offenders, nor did she honor or investigate my claims
Warden Toomey and Warden Prutko both were notified of several incidents that they didn't make staff do their jobs by honoring red tags.
LT Turner CID was also told of things that took place that jeopardized my life and safety and failed to do their jobs.
Case manager Abernethy and case manager Tollerue both have received request and verifiably complaints and failed to do their jobs
See attached paper of facts.

RELIEF

- IV. State what relief you seek from the court. Make no legal arguments. Cite no cases or statutes.

20,000⁰⁰ in Punitive Damages,
Grant the Plaintiff any additional relief the court deems just proper and equitable under the circumstances, order the defendants to honor his red tags keep separate move him or them to another facility not Tier.

Signed this 29th day of March, 20 18.

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Kelly P Brown AD #17688
 Signature of plaintiff

V

EXHAUSTION of Legal Remedies

- 1] The Plaintiff did utilize the Prison Administrative Remedy procedure to try and solve the problem! Authorities failed to Accommodate Him, by moving him or ^{His} keep separates or transfere him to another facility.

VI

Legal claims

- 2] The Deliberate Indifference to the Plaintiff's rights by the Defendants violated constituted cruel and unusual punishment under 1st and 8th amendments right to the United States Constitution

The Plaintiff has no plain Adequate or complete Remedy at law to redress the wrongs Described Herein. He has been and will continue to be Irreparably Injured by the conducts of the Defendants unless the courts Grants plaintiffs Declaratory and Injunctive Relief Sought

VII

Prayer for Relief

- 1] Wherefore the Plaintiff Respectfully prays that this court Enter Judgement Granting him!
- A] A declaration that the acts and omissions Described Herein violated the Plaintiff's rights under the Constitution and Laws of the United States
- B] A Preliminary Injunction ordering the Defendants and those employees participating in concert with them to refrain from the wrongful abuse Harassment, corporal punishment, Humiliations to Brown because he is a Vulnerable protective custody Inmate

Judgement Cont.

- C) Order the defendants to honor his red tags, Keep Seperates move him or them to another unit zone or facility not tier.
- D) Grant Braum \$20,000.00 in Punitive Damages
- E) Grant the plaintiff any additional relief this court Deems just Proper and Equitable under the circumstances.

Date 3/19/18

Respectfully Submitted
Kelly P Braum Jr.

Verification

I The Plaintiff Kelly Paul Braum Jr. #K7688 have read the foregoing complaint and hereby Allege the matters Herein Are true I do certify under the penalty of Perjury pursuant to 28. U.S.C. §1746 the foregoing are true and correct.

Date 3/19/18

Kelly P Braum Jr.